

**DOCUMENT CODE PET.OP**

Docket No.: 134387-00100  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**U.S. Patent No. 7,662,771**

**Issued: February 16, 2010**

First Named Inventor: Robert Jason Herr

Application No.: 10/566,342

Assignee: Emisphere Technologies, Inc.

Filed: January 27, 2006

For: **COMPOUNDS, METHODS AND  
FORMULATIONS FOR THE ORAL  
DELIVERY OF GLUCAGON-LIKE  
PEPTIDE (GLP)-1 COMPOUND OR A  
MELANOCORTIN-4 RECEPTOR (MC4)  
AGONIST PEPTIDE**

Mail Stop *Petitions*  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PETITION DECISION**

Dear Sir:

Applicants respectfully request reconsideration of the Decision on Request for Recalculation of Patent Term Adjustment in View of Wyeth mailed April 21, 2010 for the above-identified patent.

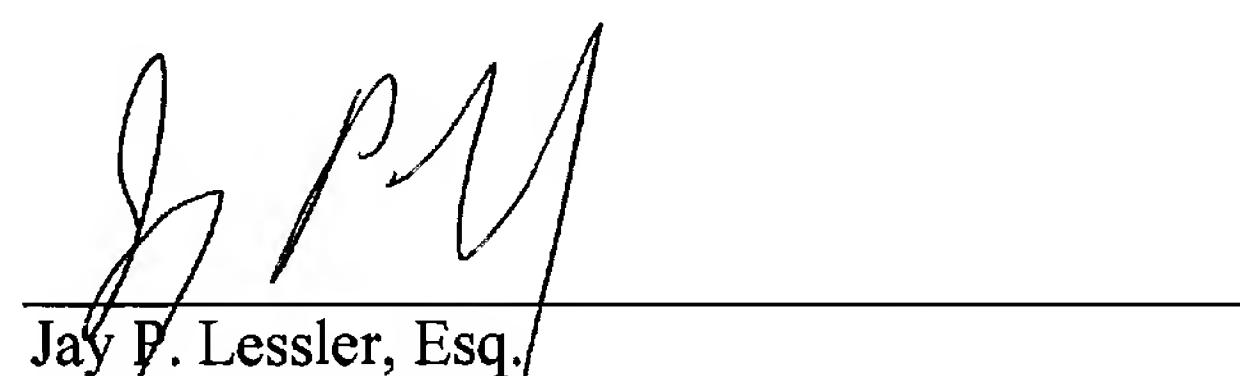
The Decision states that Applicant's Request for Recalculation is deemed ineligible for one or more of reasons (A) – (G). Applicants maintain, however, that none of reasons (A) – (G) applies to the present case. Applicants note, however, that the original Request for Recalculation of Patent Term Adjustment in View of Wyeth was filed on February 9, 2010, one week before issuance of the above-identified patent. This was an inadvertent error.

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Accordingly, Applicants request reconsideration of the Request for Recalculation filed on February 9, 2010. Alternatively, Applicants are concurrently filing a Supplemental Request for Recalculation of Patent Term Adjustment in View of Wyeth.

It is believed that no fee is due with this submission. If any fee is required, the Commissioner is hereby authorized and requested to charge such fees to Deposit Account No. 02-2555.

Dated: May 18 2010



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Jay P. Lessler, Esq.  
Reg. No.: 41,151  
Blank Rome LLP  
The Chrysler Building  
405 Lexington Avenue  
New York, NY 10174-0208

Telephone: 212-885-5176  
Facsimile: 917-332-3773

Attorneys/Agents for Applicant